

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

15-CR-19-A-HBS

GEORGINA FISHER,
a/k/a Georgina Baratta,

Defendant.

**GOVERNMENT'S MOTION TO STAY THE FILING OF AMICI CURIAE BRIEFS
PENDING RESOLUTION OF THE GOVERNMENT'S APPEAL**

The United States of America, by and through its attorneys, William J. Hochul, Jr., United States Attorney for the Western District of New York, and MaryEllen Kresse, Assistant United States Attorney, of counsel, hereby moves for a stay of the filing of amici curiae briefs, currently set for January 29, 2016.

By Decision and Order filed on November 23, 2015, Magistrate Judge Hugh B. Scott set January 29, 2016 as the date for amici curiae to file legal briefs on certain enumerated issues. Docket No. 81, at 4. On December 7, 2015, the government appealed the November 23, 2015 Decision and Order to this Court. Docket No. 83. In its appeal, the government contends that it was clearly erroneous and an abuse of discretion for the Magistrate Judge to, among other things, proceed with the filing of amicus briefs on issues that are not ripe and which will not be ripe unless and until there is a conviction. Id. at 1.

By text order entered on January 4, 2016, this Court set a briefing schedule relative to the government's appeal whereby the defendant's response is due on January 12, 2016, with oral argument to follow if deemed necessary. Docket No. 84.

Given the government's pending appeal of the November 23, 2015 Decision and Order, the government respectfully requests that all deadlines set pursuant to that Decision and Order, including the January 29, 2016 date for the filing of amici curiae briefs, be stayed.

DATED: Buffalo, New York, January 4, 2016.

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